

**BOARD OF SUPERVISORS**

**MINUTES**

**October 26, 2005**

**Supervisors in Attendance:**

Mr. Edward B. Barber, Chairman  
Mr. R. M. "Dickie" King, Jr.,  
Vice Chairman  
Mrs. Renny Bush Humphrey  
Mr. Kelly E. Miller  
Mr. Arthur S. Warren  
  
Mr. Lane B. Ramsey  
County Administrator

**Staff in Attendance:**

Colonel Carl R. Baker,  
Police Department  
Mr. Jim Banks, Asst.  
Dir., Transportation  
Ms. Marilyn Cole, Asst.  
County Administrator  
Capt. Ben Craft,  
Sheriff's Office  
Ms. Mary Ann Curtin, Dir.,  
Intergovtl. Relations  
Ms. Rebecca Dickson, Dir.,  
Budget and Management  
Mr. James Dunn, Acting  
Dir., Economic Development  
Mr. Robert Eanes, Asst. to  
the County Administrator  
Ms. Lisa Elko, CMC,  
Clerk  
Mr. Jeff Franklin, Asst.  
Dir., Utilities  
Mr. Michael Golden, Dir.,  
Parks and Recreation  
Mr. Bradford S. Hammer,  
Deputy Co. Admin.,  
Human Services  
Mr. John W. Harmon,  
Right-of-Way Manager  
Mr. Russell Harris, Mgr.  
of Community Development  
Services  
Mr. Thomas E. Jacobson,  
Dir. of Revitalization  
Mr. Donald Kappel, Dir.,  
Public Affairs  
Ms. Kathryn Kitchen, Asst.  
Supt. of Schools for  
Business and Finance  
Chief Paul Mauger,  
Fire and EMS Dept.  
Mr. Richard M. McElfish,  
Dir., Env. Engineering  
Mr. Steven L. Micas,  
County Attorney  
Mr. Francis Pitaro, Dir.,  
General Services  
Mr. James J. L. Stegmaier,  
Deputy Co. Admin.,  
Management Services  
Mr. M. D. Stith, Jr.,  
Deputy Co. Admin.,  
Community Development  
Mr. Kirk Turner, Dir.,  
Planning

Mr. King called the regularly scheduled meeting to order at 4:03 p.m.

**1. APPROVAL OF MINUTES FOR OCTOBER 12, 2005**

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board approved the minutes of October 12, 2005, as submitted.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

**2. COUNTY ADMINISTRATOR'S COMMENTS**

**O INTERNATIONAL BENJAMIN FRANKLIN FIRE SERVICE AWARD OF VALOR PRESENTATION**

Deputy Chief Frank Edwards provided details of rescue and life save efforts of the Fire and Emergency Services Department as a result of Tropical Storm Gaston, including the rescue of 20 people who were trapped on the second floor of a flooded apartment building that was beginning to crumble. He stated three members of the department have been selected as recipients of the International Benjamin Franklin Fire Service Award for Valor. He presented a video of the rescue scene. He then introduced Mr. Steve Echols, Area Manager for the Mid-Atlantic Region for Motorola and Mr. Steve Garner, Motorola's Senior Account Manager for Chesterfield County.

Mr. Echols stated the Benjamin Franklin Fire Service Award for Valor recognizes firefighters for their unmatched loyalty to the profession and their commitment to the communities and citizens they serve. He introduced Lieutenant Steven V. Traylor, Firefighter William J. Jeffords, Jr. and Firefighter Michael C. Harrell, and stated these men were unanimously selected from a large number of nominees as recipients of this prestigious award for their heroic actions during Tropical Storm Gaston.

Chief Mauger placed the medals on Lieutenant Traylor, Firefighter Jeffords and Firefighter Harrell.

A standing ovation followed.

Mr. Echols then recognized the entire department by presenting Chief Mauger with the Benjamin Franklin Departmental Leadership Award.

Mr. King thanked Motorola for recognizing the firefighters' selfless acts and heroic efforts.

**3. BOARD COMMITTEE REPORTS**

Mrs. Humphrey acknowledged the recent passing of three distinguished individuals - Ms. Rosa Parks, who made a significant contribution to the nation; Mr. Paige Johnson, Past President and Chairman of the NAACP and an educator at

Virginia State University; and Dr. C. C. Lewis, who was active in government in the Tri-Cities area.

**4. REQUESTS TO POSTPONE ACTION, ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION**

On motion of Mr. Warren, seconded by Mr. Miller, the Board added Item 6., Work Session Relating to Community Development Authorities and Proposed County Criteria for Considering Community Development Authority Applications; added Item 8.C.10., Amendment to Parcel Listing for the Board of Supervisors Initiated Rezoning of the 288 Corridor to Delete Properties Included in the Agenda Item of May 25, 2005 and the Subsequent Item of August 24, 2005; and adopted the Agenda, as amended.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

**5. RESOLUTIONS AND SPECIAL RECOGNITIONS**

**O RECOGNIZING REVEREND DONNA MOTT FOR HER SERVICE TO THE CHESTERFIELD DISABILITY SERVICES BOARD AND THE COUNTY**

Mr. Hammer introduced Reverend Donna Mott, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, the Chesterfield County Disability Services Board was formed as a result of the Disability Services Act of 1992; and

WHEREAS, Reverend Donna Mott served on the Disability Services Board from December 20, 2000 to June 1, 2005; and

WHEREAS, Reverend Mott served as Chairperson for the Chesterfield Disability Services Board; and

WHEREAS, Reverend Mott has served on the Virginia United Methodist Church Commission on Disabilities; Transportation Initiatives for Greater Richmond; as a supervisor over facilities for the mentally retarded; and as a registered nurse with Medical Assistant Services for the Commonwealth of Virginia; and

WHEREAS, Reverend Mott, as Pastor with the United Methodist Churches for many years, lent her expertise to inform citizens of issues associated to those with disabilities.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26<sup>th</sup> day of October 2005, publicly recognizes Reverend Donna Mott for her contributions to the Disability Services Board and expresses appreciation for her service to all citizens with physical and sensory disabilities.

AND, BE IT FURTHER RESOLVED, that a copy of this resolution be presented to Reverend Mott and that this

resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

Mrs. Humphrey presented the execution resolution to Reverend Mott, accompanied by Ms. Ngozi Ukeje, and expressed appreciation for her dedicated service to the disabled residents of Chesterfield County.

Reverend Mott thanked members of the Board for their support and also for the opportunity to serve the county.

## **6. WORK SESSION**

### **o COMMUNITY DEVELOPMENT AUTHORITIES AND PROPOSED COUNTY CRITERIA FOR CONSIDERING COMMUNITY DEVELOPMENT AUTHORITY APPLICATIONS**

Ms. Dickson stated Community Development Authorities (CDAs) are tools that enable partnering with the private sector to finance infrastructure improvements and offer an opportunity to encourage and to promote certain types of development or redevelopment. She further stated CDA financing allows infrastructure to be built quicker upfront, rather than in stages as development occurs. She provided details of the procedure to create a CDA. She stated a CDA is empowered to issue tax-exempt bonds for various kinds of infrastructure improvements. She further stated a CDA offers opportunities to generate revenue to pay for bonds through a special assessment, or a special tax, noting that these financing options can be combined with tax increment revenues. She provided details of CDA special assessments, indicating that this option is more secure than special taxes because the amount to be generated is established up front. She then provided details of CDA special taxes.

Mr. Miller expressed concerns relative to the assessment of properties within a special assessment district at a rate exceeding the fair market value.

Mr. Ramsey stated the improvement being paid for by the CDA will add value to properties, and he does not believe assessments would exceed the value of properties, but that would have to be looked at as petitions come forward for consideration.

Ms. Dickson provided details of the CDA tax increment option, noting that sources of incremental tax revenues could be sales tax, real estate tax, business tax, personal property tax, etcetera. She stated an advantage of combining special assessments and special taxes with tax increments is to provide developers with an incentive to move the project along more quickly. She discussed the impact of CDAs on the county's creditworthiness, indicating that the rating agencies have stated that CDA debt is not an obligation of the locality; however, a CDA would be considered overlapping debt of the county. She stated the county's proposed overall criteria for creation of a CDA includes large economic development projects; redevelopment of areas identified by

the county as critical; broad based, public purpose infrastructure improvements; and that the total CDA debt service would not exceed 3.5 percent of all county debt service. She further stated the county's proposed financial criteria includes a 20-year special assessment combined with tax increment financing for large economic development projects, and a 30-year special assessment combined with tax increment financing for redevelopment of targeted areas. She stated the Board is being requested to set a public hearing for November 22, 2005 to consider an ordinance indicating that the county will consider petitions for the creation of CDAs.

Discussion, questions and comments ensued relative to the size and scope of the economic development projects that would be considered for a CDA and also whether redevelopment of blighted areas would be considered.

Mr. Ramsey stated although CDAs may be good tools for redevelopment, staff is concerned about creating CDAs for small redevelopment projects. He further stated, because of the burdensome process of setting up a CDA, experts on the subject have indicated that the county should consider \$5 million minimum projects before administering a CDA. He noted CDAs are not the most secure form of financing, and staff feels they would be appropriate for large projects with a high Board priority, indicating that use of CDAs for smaller projects could affect the county's creditworthiness.

Mr. King stated he would not want to do anything to jeopardize the county's bond rating.

In response to Mr. Miller's question, Ms. Dickson stated the Board of Supervisors would appoint the members of CDA boards.

Discussion ensued relative to the process for creating a specific CDA and determining the financing mechanism for the CDA.

Mr. Miller expressed concerns relative to protection of residential property owners from being forced to participate in a CDA.

In response to Mr. Miller's concerns, Ms. Dickson stated staff would request input from the county's financial advisor and the bond rating agencies regarding all CDA petitions received by the county.

Mr. Ramsey noted the county would be very selective in administering CDAs. He reiterated that a CDA could give the Board the ability to partner with developers to build infrastructure before a project is actually begun.

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board set the date of November 22, 2005 at 7:00 p.m. for a public hearing for the Board to consider an ordinance indicating the county's willingness to consider petitions to create Community Development Authorities.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

Mr. King stated Mr. Barber is not present this afternoon because he is attending a meeting of the Governor's Commission on Transportation in Urbanized Areas, which he was recently appointed to serve on, but will arrive in time for the evening session.

## **7. DEFERRED ITEMS**

There were no deferred items at this time.

## **8. NEW BUSINESS**

### **8.A. FY2005 RESULTS OF OPERATIONS AND SET DATE FOR PUBLIC HEARING TO APPROPRIATE FUNDS**

Mr. Allan Carmody, Budget Manager presented a summary of FY2005 Results of Operations. He stated FY2005 ended with a \$15.4 million surplus. He further stated the largest portion of the surplus was from property taxes amounting to \$11.1 million in excess of the budget, indicating that nearly 68 percent of this is shared with schools. He stated other major revenues that exceeded the budget include the local sales and use tax and recordation tax. He reviewed staff's recommendations for both county and schools' use of the surplus funds in FY2006 and FY2007.

In response to Mr. King's question, Mr. Carmody stated the Board's plan to reduce the real estate tax by one cent in January 2006 is still in place.

In response to Mr. Miller's question, Mr. Carmody stated the surplus in recent years has averaged \$7 million.

Mr. Miller stated the FY2005 surplus has more than doubled the average because of increased assessments. He expressed concerns that 68 percent of the real estate revenue is being provided to schools, indicating that they may not even need the additional revenue in their budget. He suggested that the Board at some point review the formula for distribution of the real estate revenue.

Mr. Carmody stated a one-cent real estate tax reduction equates to approximately \$2 million to \$2.4 million in annual revenue.

Mr. Miller stated if the real estate tax rate were to be cut by two cents, the county would still have a substantial surplus.

Mrs. Humphrey inquired about the schools' ability to deal with increased gas costs.

Ms. Kitchen stated the School Board will review its first quarter budgetary figures at its November 8<sup>th</sup> meeting, and staff will be recommending increased fuel costs for school buses and maintenance vehicles by approximately \$900,000 and increased natural gas costs by approximately \$700,000. She further stated this can be accomplished within the current operating budget.

Mr. Warren stated he believes the funding distribution formula for real estate taxes should be maintained. He inquired about the percentage of the total surplus that is from reoccurring revenue.

Mr. Ramsey noted that the state has mandated that localities take over Comprehensive Services programs and then capped the amount of revenue they would send to local governments, indicating that he anticipates this will be a reoccurring expenditure. He stated public safety pay adjustments, the Access Chesterfield Transportation Program, and funding for School Health Nurses will be ongoing expenditures. He noted schools are proposing to use the surplus revenue to supplement Capital Projects, which would be fixed expenditures.

Mr. Miller inquired about the possibility of adding more of the surplus to the fund balance.

Mr. Carmody stated if the Board were to place more of the surplus in the fund balance reserve, staff would have to propose other alternatives to meet the needs, which are proposed to be funded by the surplus.

Mr. Warren inquired whether staff considered returning any of the surplus to taxpayers as opposed to using it for expenditures.

Mr. Miller inquired whether the Board has the ability to increase the real estate tax reduction from one cent to two cents in January.

Mr. Ramsey stated the Board has the option of setting the real estate tax rate at whatever it decides, indicating that the budget has been built around \$1.06 effective January 1, 2006 and \$1.05 effective January 1, 2007.

Mr. King stated the tax rate issue will be further discussed at the public hearing.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board designated \$2,400,577 in tax revenue and \$573,483 in unspent appropriations and other revenue for use in FY2007 for county capital items, pending further discussion on November 9, 2005.

And, further, the Board set the date of November 9, 2005 at 7:00 p.m. for a public hearing for the Board to consider the appropriation of \$1,782,200 in FY2006 for items identified in the papers of this Board; appropriation of \$793,855 in the current year for Comprehensive Services costs, the Schools portion of the property tax and assessor system enhancements, and School health nurse costs; and the appropriation in the current year of \$6,327,343 to the School's Capital Reserve to be used for costs associated with approved bond referendum projects.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

### **8.B. APPOINTMENTS**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of a member to serve on the Disability Services Board.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

### **O DISABILITY SERVICES BOARD**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board simultaneously nominated/appointed Ms. Linda L. VanAken, representing the Bermuda District, to serve on the Disability Services Board, whose term is effective immediately and expires December 31, 2005. (It is noted Ms. VanAken will fill the unexpired term of Mr. Charles Clubb.)

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

### **8.C. CONSENT ITEMS**

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board removed the following items from the Consent Agenda for public comment: Item 8.C.5., Adoption of the 2006 Legislative Program; Item 8.C.9.b., Transfer of District Improvement Funds from the Midlothian District Improvement Fund to the Police Department to Defray the Costs of Traffic Control for the Midlothian Village Day Festival; and Item 8.C.10., Amendment to Parcel Listing for the Board of Supervisors Initiated Rezoning of the 288 Corridor to Delete Properties Included in the Agenda Item of May 25, 2005 and the Subsequent Item of August of August 24, 2005.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

#### **8.C.1. CONVEYANCE OF EASEMENTS**

##### **8.C.1.a. TO COLUMBIA GAS OF VIRGINIA, INCORPORATED FOR THE NEW COSBY ROAD HIGH SCHOOL**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Columbia Gas of Virginia, Incorporated for the new Cosby Road High School. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.



**8.C.1.b. TO VIRGINIA ELECTRIC AND POWER COMPANY FOR  
UNDERGROUND CABLE ACROSS COUNTY PROPERTY FOR THE  
WIDENING OF BAILEY BRIDGE ROAD**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute an easement agreement with Virginia Electric and Power Company for underground cable across county property for the widening of Bailey Bridge Road. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey, Miller and Warren.  
Nays: None.  
Absent: Barber.

**8.C.2. ACCEPTANCE AND APPROPRIATION OF A GRANT AWARDED BY  
THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF  
COMMUNITY ORIENTED POLICING SERVICES FOR THE 2005  
SECURE OUR SCHOOLS GRANT**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Police Department to accept and appropriate an award, in the amount of \$188,150, from the United States Department of Justice, Office of Community Oriented Policing Services for the 2005 Secure Our Schools Grant, and authorized the County Administrator to execute all documents. (It is noted the required 50 percent match of \$94,075 is included in the Chesterfield County Schools budget and will be paid for by the Schools.)

Ayes: King, Humphrey, Miller and Warren.  
Nays: None.  
Absent: Barber.

**8.C.3. AWARD OF CONTRACT FOR COMPREHENSIVE MEDICAL PHYSICALS  
FOR FIRE AND POLICE TO COMMONWEALTH OCCUPATIONAL  
SAFETY AND HEALTH ASSOCIATES (COSHA)**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the County Administrator to execute a requirements contract for comprehensive medical physicals for Fire and Police personnel to Commonwealth Occupational Safety and Health Associates (COSHA).

Ayes: King, Humphrey, Miller and Warren.  
Nays: None.  
Absent: Barber.

**8.C.4. SET PUBLIC HEARING DATE TO CONSIDER AN AMENDMENT OF  
THE LEASE OF REAL PROPERTY AT ETTRICK PARK FOR  
OPERATION OF FOOD CONCESSIONS BY THE ETTRICK YOUTH  
SPORTS ASSOCIATION**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board set the date of November 9, 2005 at 7:00 p.m. for a public hearing to consider an amendment to the lease of real property for operation of food concessions at Ettrick Park to include the lease of a new storage building.

Ayes: King, Humphrey, Miller and Warren.  
Nays: None.  
Absent: Barber.

**8.C.6. REQUESTS TO QUITCLAIM**

**8.C.6.a. A PORTION OF A SIXTEEN-FOOT WATER EASEMENT ACROSS THE PROPERTY OF GREENLEAF PROPERTIES, INCORPORATED**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 16-foot water easement across the property of Greenleaf Properties, Incorporated. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey, Miller and Warren.  
Nays: None.  
Absent: Barber.

**8.C.6.b. A PORTION OF A FIFTY-FOOT INGRESS/EGRESS EASEMENT ACROSS THE PROPERTY OF SOUTHBEND LANDING, LLC**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate a portion of a 50-foot ingress/egress easement across the property of Southbend Landing, LLC. (It is noted copies of the plats are filed with the papers of this Board.)

Ayes: King, Humphrey, Miller and Warren.  
Nays: None.  
Absent: Barber.

**8.C.7. REQUEST FOR PERMISSION FROM DAVID J. AND CAROLINE D. LAJOIE FOR A PROPOSED FENCE TO ENCROACH WITHIN AN EIGHT-FOOT EASEMENT, A SIXTEEN-FOOT DRAINAGE EASEMENT, A TWENTY-FOOT DRAINAGE EASEMENT, A TWENTY-FOOT SEWER EASEMENT AND A TEN-FOOT TEMPORARY CONSTRUCTION EASEMENT ACROSS LOT 26, HARTLEY VILLAGE AT CHARTER COLONY**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved a request from David J. Lajoie and Caroline D. Lajoie for permission for a proposed fence to encroach within an eight-foot easement, a 16-foot drainage easement, a 20-foot drainage easement, a 20-foot sewer easement, and a 10-foot temporary construction easement across Lot 26, Hartley Village at Charter Colony, subject to the execution of a license agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Humphrey, Miller and Warren.  
Nays: None.  
Absent: Barber.

**8.C.8. ACCEPTANCE OF A PARCEL OF LAND FOR PROPOSED CHARTER PARK DRIVE FROM BB HUNT LLC**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board accepted the conveyance of a parcel of land containing 4.287 acres for proposed Charter Park Drive from BB Hunt, LLC, and authorized the County Administrator to execute the deed. (It

is noted copies of the plats are filed with the papers of this Board.)

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

**8.C.9. TRANSFER OF DISTRICT IMPROVEMENT FUNDS**

**8.C.9.a. FROM THE BERMUDA, DALE AND MATOACA DISTRICT IMPROVEMENT FUNDS TO THE PARKS AND RECREATION DEPARTMENT TO PURCHASE CONCRETE BLOCK TO CONSTRUCT AN EQUIPMENT STORAGE AND PRESS BOX BUILDING AT CARVER MIDDLE SCHOOL**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$3,000 from the Bermuda District Improvement Fund and \$1,500 each from the Dale and Matoaca District Improvement Funds (total of \$6,000) to the Parks and Recreation Department to purchase concrete block for the construction of an equipment storage and press box building at Carver Middle School.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

**8.C.9.c. FROM THE DALE DISTRICT IMPROVEMENT FUND TO THE CHESTERFIELD COUNTY SCHOOL BOARD TO PURCHASE FOOTBALL JERSEYS, HELMETS AND SHOULDER PADS FOR THE MEADOWBROOK HIGH SCHOOL FOOTBALL PROGRAM**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$5,000 from the Dale District Improvement Fund to the Chesterfield County School Board to purchase football jerseys, helmets and shoulder pads for the Meadowbrook High School football program.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

**8.C.9.d. FROM THE MATOACA DISTRICT IMPROVEMENT FUND TO THE FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT TO FUND THE DEPARTMENT'S PARTICIPATION IN THE FIREFIGHTER COMBAT CHALLENGE NATIONAL COMPETITION**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board transferred \$3,304 from the Matoaca District Improvement Fund to the Fire and Emergency Medical Services Department to fund the department's participation in the Firefighter Combat Challenge National Competition in Deerfield Beach, Florida.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

The following items were removed from the Consent Agenda for public comment:

**8.C.5. ADOPTION OF THE 2006 LEGISLATIVE PROGRAM**

Mr. George Beadles stated he hopes the county will promote impact fees at the General Assembly. He further stated he supports promoting county interests related to transportation proposals, indicating that the county needs the Powhite Parkway extension. He referenced the legislative request to amend the State Code regarding the land use taxation program and stated he would like to see immediate family members be required to hold title to property that has been split for ten years prior to being exempt from roll-back taxes. He further stated he hopes the Transportation Service District amendments will result in the extension of Powhite Parkway to Skinquarter and then down through Matoaca for future development.

No one else came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board adopted the 2006 Legislative Program, as amended from the October 12, 2005 work session.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

**8.C.9.b. FROM THE MIDLOTHIAN DISTRICT IMPROVEMENT FUND TO THE POLICE DEPARTMENT TO DEFRAY THE COSTS OF TRAFFIC CONTROL FOR THE MIDLOTHIAN VILLAGE DAY FESTIVAL**

Mr. George Beadles stated requests such as this should be funded by all five magisterial districts because the Midlothian Village Day Festival benefits the entire county.

No one else came forward to speak to the issue.

Mrs. Humphrey made a motion, seconded by Mr. Warren, for the Board to transfer \$1,100 from the Midlothian District Improvement Fund to the Police Department to defray the costs of traffic control for the Midlothian Village Day Festival.

Mr. Warren noted that Board members typically share in the cost of requests such as this when asked to do so.

Mr. King called for a vote on the motion of Mrs. Humphrey, seconded by Mr. Warren, for the Board to transfer \$1,100 from the Midlothian District Improvement Fund to the Police Department to defray the costs of traffic control for the Midlothian Village Day Festival.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

8.C.10. AMENDMENT TO PARCEL LISTING FOR THE BOARD OF SUPERVISORS INITIATED REZONING OF THE 288 CORRIDOR TO DELETE PROPERTIES INCLUDED IN THE AGENDA ITEM OF MAY 25, 2005 AND THE SUBSEQUENT ITEM ON AUGUST 24, 2005

Mr. George Beadles expressed concerns relative to the necessity for amending the parcel listing three times and stated he thinks the property owners should be initiating the rezoning of their property rather than the Board.

No one else came forward to speak to the issue.

On motion of Mrs. Humphrey, seconded by Mr. Miller, the Board amended the parcel listing for the Board of Supervisors initiated rezoning of the 288 Corridor by deleting the following properties: Tax ID numbers 712-7069-361 and 713-7060-128.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

9. HEARINGS OF CITIZENS ON UNSCHEDULED MATTERS OR CLAIMS

There were no hearings of citizens on unscheduled matters or claims at this time.

10. REPORTS

10.A. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS

10.B. REPORT ON THE STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES

10.C. REPORT ON ROADS ACCEPTED INTO THE STATE SECONDARY SYSTEM

On motion of Mr. Warren, seconded by Mrs. Humphrey, the Board accepted a Report on Developer Water and Sewer Contracts and a Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases.

And, further, the following roads were accepted into the State Secondary System:

<u>ADDITION</u>	<u>LENGTH</u>
<u>Burray At The Highlands</u> (Effective 9/15/2005)	
Burray Court (Route 5884) - From Burray Road (Route 5184) to Cul-de-sac	0.10 Mi.
Burray Road (Route 5184) - From Burray Court (Route 5884) to Cul-de-sac	0.23 Mi.
Burray Road (Route 5184) - From 0.06 mile north of Highland Glen Drive (Route 5160) to Burray Court (Route 5884)	0.27 Mi.

Duxton

(Effective 9/15/2005)

Duxton Court (Route 5697) - From Duxton Drive  
(Route 5698) to Cul-de-sac 0.03 Mi.

Duxton Drive (Route 5698) - From Longmeadow  
Circle (Route 5131) to Duxton Court (Route  
5697) 0.10 Mi.

Duxton Drive (Route 5698) - From Duxton Court  
(Route 5697) to Cul-de-sac 0.09 Mi.

Lyndenwood at the Highlands

Macandrew Court (Route 5906) - From Macandrew  
Lane (Route 5685) to Cul-de-sac 0.17 Mi.

Macandrew Lane (Route 5685) - From 0.06 mile  
west of Macandrew Place (Route 5905) to  
Macandrew Court (Route 5906) 0.17 Mi.

Macandrew Lane (Route 5685) - From Macandrew  
Court (Route 5906) to 0.05 mile northwest of  
Macandrew Court (Route 5906) 0.05 Mi.

Macandrew Place (Route 5905) - From Macandrew  
Lane (Route 5685) to Cul-de-sac 0.18 Mi.

Oaklake Business Park

(Effective 9/15/2005)

Oaklake Boulevard (Route 5903) - From Genito  
Road (Route 604) to 0.34 mile north of Genito  
Road (Route 604) 0.34 Mi.

Oaklake Boulevard (Route 5903) - From 0.34  
mile north of Genito Road (Route 604) to  
Oaklake Court (Route 5904) 0.15 Mi.

Oaklake Court (Route 5904) - From Oaklake  
Boulevard (Route 5903) to Cul-de-sac 0.15 Mi.

Rivers Bend, Section 25

(Effective 9/23/2005)

Hogans Place (Route 5900) - From Hogans Alley  
(Route 4835) to Cul-de-sac 0.10 Mi.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

**11. DINNER**

On motion of Mr. Miller, seconded by Mrs. Humphrey, the Board  
recessed to the Administration Building, Room 502, for  
dinner.

Ayes: King, Humphrey, Miller and Warren.

Nays: None.

Absent: Barber.

Reconvening:

Mr. Barber arrived at the meeting.

**12. INVOCATION**

Reverend Rodney Brown, Associate Pastor, New Direction Ministries gave the invocation.

**13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Robert Clay, Major, United States Army Reserves (Retired) led the Pledge of Allegiance to the flag of the United States of America.

**14. RESOLUTIONS AND SPECIAL RECOGNITIONS**

**O RECOGNIZING THE DALE RURITAN CLUB UPON THE OCCASION OF ITS FIFTIETH ANNIVERSARY**

Mr. Kappel introduced members of the Dale Ruritan Club, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Ruritan is a national service organization; and

WHEREAS, the Dale Ruritan Club was chartered on October 27, 1955; and

WHEREAS, through the 50 years since its founding, the Dale Ruritan Club has provided outstanding service to Chesterfield County; and

WHEREAS, the Dale Ruritans helped to bring Chippenham Hospital to the region and has supported the annual Veteran's Day observance; and

WHEREAS, the club continues to provide such community service as scholarships, support for volunteer rescue squads, Chesterfield Fire and Emergency Medical Services and Police Departments, and other worthwhile programs; and

WHEREAS, the Dale Ruritans support the community by building handicap ramps and providing home improvements; and

WHEREAS, the Dale Ruritans organize dinners and breakfasts to raise money for needy Chesterfield County citizens.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 26<sup>th</sup> day of October 2005, publicly recognizes the Dale Ruritan Club, expresses appreciation to the members and commends them on their dedicated service to the community in which they live, and congratulates the members on their 50<sup>th</sup> anniversary of service to others.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. Miller presented the executed resolution to Mrs. Ann Sprouse, accompanied by Mr. Wayne Sprouse, Mr. Walt Hayden, Mr. Carl Thornton, Mr. Steve Meadows and Mr. Buddy Sprouse, and expressed appreciation for the steadfast, committed service of the members of the Dale Ruritan Club.

Mrs. Sprouse expressed appreciation to the Board for the recognition and stated the club is looking forward to the next 50 years of bettering the community.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING  
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE  
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE  
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO  
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT  
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION  
WILL BE HEARD AT SECTION 17**

**05SN0206**

In Bermuda Magisterial District, DR. TAYLOR LYNE AND DR. GEORGEANNA M. LYNE request rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Community Business (C-3) with Conditional Use to allow outside runs. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.3 acres fronting approximately 550 feet on the north line of Iron Bridge Road, also fronting approximately 500 feet on the west line of Chalkley Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 778-653-8082 and 779-653-1379 (Sheet 26).

Mr. Turner stated the applicant has requested a deferral until November 22, 2005.

Dr. Taylor Lyne requested a deferral until November 22, 2005.

Mr. Barber called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board deferred Case 05SN0206 until November 22, 2005.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**05SN0315**

In Clover Hill Magisterial District, WATERCROSS DEVELOPMENT, INC. requests amendment to Conditional Use Planned Development (Case 86S117) and amendment of zoning district map to permit a veterinarian hospital. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Neighborhood Business (C-2) District on 7.8 acres fronting approximately 280 feet on the west line of Charter



Colony Parkway at Old Hundred Road. Tax ID 727-691-6781 (Sheet 9).

Mr. Turner presented a summary of Case 05SN0315 and stated the Planning Commission and staff recommended approval subject to one condition.

Ms. Kristen Keatley, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 05SN0315 subject to the following condition:

In addition to those uses permitted by Case 86S117 within the Medium Density Office/Commercial Retail (MDO/CR) Tract, veterinary hospitals exclusive of outside runs shall be permitted.

(NOTE: This condition is in addition to the Textual Statement, Item VI.E.4, of Case 86S117 relative to permitted uses in the MDO/CR Tract for the subject property.)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **05SN0320**

In Midlothian Magisterial District, GRAY LAND AND DEVELOPMENT CO., LLC requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of one (1) dwelling or less per acre. This request lies on 108 acres lying approximately 720 feet west of the terminus of Latham Boulevard and North Otterdale Road, also fronting approximately 3,780 feet on the east line of Route 288. Tax ID 715-715-Part of 9587 (Sheet 1).

Mr. Turner presented a summary of Case 05SN0320 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. He further stated the applicant has submitted an amendment to Proffered Condition 10 to increase the cash proffer to the maximum amount adopted by the Board on October 12, 2005.

On motion of Mr. Barber, seconded by Mr. Miller, the Board suspended its rules at this time to allow for consideration of the amended Proffered Condition.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Ms. Ashley Harwell, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. Barber, seconded by Mrs. Humphrey, the Board approved Case 05SN0320 and accepted the following proffered conditions:

The Owners and the Developer (the "Developer") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 715-715-9587 (part) (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-25 and CUPD is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The Textual Statement last revised August 24, 2005, and the plan titled "Zoning Map, Rose Tract - East, prepared by Higgins & Gerstenmaier, dated September 16, 2005, shall be considered the master plan for the Property. The purpose of the Zoning Map is to generally designate those areas reserved for single family development as well as those areas to be recorded as open space. (P)
2. Density. The total number of dwelling units shall not exceed forty (40). (P)
3. House Sizes. Each dwelling unit shall have a minimum gross floor area of two thousand five hundred (2,500) square feet. (P)
4. Development Standards. All exposed portions of the foundation of each dwelling shall be covered with brick, stone, or eifs materials. (P)
5. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
6. Utilities. Public water and wastewater shall be utilized, except that wells and/or bodies of water may be used for irrigation purposes only for open space and park areas. (U)
7. Dedication of Right-of-Way. In conjunction with the recordation of the initial subdivision plat, the following right-of-way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

- A. A seventy (70) foot wide right-of-way for a north/south collector ("North Otterdale Road Extended") from North Otterdale Road at the northern Property line to North Otterdale Road at the southern Property line. The exact location of the right-of-way shall be approved by the Transportation Department. (T)
8. Road Improvements. In conjunction with initial development on the Property, the Developer shall construct two (2) lanes of North Otterdale Road Extended to VDOT Urban Collector Standards (40 mph) with modifications approved by the Transportation Department, and construct a right turn lane along North Otterdale Road Extended at the public road intersection. The Developer shall also dedicate to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for these improvements. (T)
9. Access. Direct access from the Property to North Otterdale Road Extended shall be limited to one (1) public road and two (2) private driveways. The exact location of the public road shall be approved by the Transportation Department. (T)
10. Cash Proffers.
- A. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay \$15,600.00 per unit to the County of Chesterfield, prior to the issuance of building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2006.
- B. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$15,600.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
- C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
- D. Should Chesterfield County impose impact fees or other substitute for proffers for schools, parks, roads, libraries, and/or fire stations at any time during the life of the development, the amount paid in cash proffers shall be in lieu of or credited toward any such substitute fees at the determination of the County. (B&M)
11. Restrictive Covenants. Prior to or concurrent with the recordation of any subdivision plat for the Property, the following restrictive covenants shall be recorded for the Property:
- A. All driveways on each individual subdivision lot shall be paved. The exact pavement type, which may include asphalt, concrete, aggregate materials, and/or brick, concrete, or stone pavers.

- B. All dwellings that provide a garage shall employ side or rear entry garage designs except that front entry garage designs may be permitted provided that garage doors are at least twenty (20) feet behind the front facade of the house and that the garage doors are screened from the street through the positioning of the driveway, landscaping, and/or natural vegetation.
- C. With respect to lots adjacent to Section E of Rosemont, except for areas where an Open Space designation has been provided as shown on the Zoning Map, Rose Tract - East, prepared by Higgins & Gerstenmaier, dated September 16, 2005, a twenty-five (25) foot wide tree preservation area shall be maintained adjacent to Section E of Rosemont. All trees greater than six-inches in caliper (as measured 12-inches above ground surface) within the Tree Preservation Area are to be retained. Any homeowner seeking to clear trees within this area must obtain prior approval from the Founders Bridge Property Owners Association's Architectural Design Committee which in turn shall notify the adjacent property owner(s) in Founders Bridge and the Rosemont Homeowners Association prior to approving any requested Owner activity. The Tree Preservation Area shall be subject and subordinate to the terms of any utility or drainage easements which may be granted by Declarant or its successors to the County of Chesterfield, Virginia. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **05SN0325**

In Matoaca Magisterial District, NEW HOPE LUTHERAN CHURCH requests Conditional Use and amendment of zoning district map to permit a private school and child care center in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 11.8 acres fronting approximately 630 feet on the south line of Hull Street Road approximately 920 feet east of Cosby Road. Tax IDs 718-670-5193 and 6470; and 718-671-5003 (Sheet 15).

Mr. Turner presented a summary of Case 05SN0325 and stated the Planning Commission and staff recommended approval subject to one condition and acceptance of the proffered conditions.

Ms. Kristen Keatley, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board approved Case 05SN0325 subject to the following condition:

In addition to uses permitted in an Agricultural (A) District, private school and child care center uses shall be permitted. (P)

And, further, the Board accepted the following proffered conditions:

1. Public water and wastewater shall be used. (U)
2. Prior to the issuance of the building permit for this site, the developer shall make payment to Chesterfield County in the amount of \$200.00 per acre (not to exceed \$2,360.00 based upon the total acreage in the property) as a contribution towards the expansion of the Dry Creek Wastewater Pump Station. (U)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
4. Direct access from the property to Route 360 shall be limited to one (1) entrance/exit. At time of site plan review, the Transportation Department may modify this condition to permit one (1) additional entrance/exit to Route 360, provided that, but not limited to, an access easement(s), acceptable to the Transportation Department, is recorded from Route 360 across the property to provide shared use of these accesses with adjacent properties. The exact location of these accesses shall be approved by the Transportation Department. (T)
5. Prior to site plan approval one hundred (100) feet of right-of-way along the south side of Route 360, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
6. To provide an adequate roadway system, the developer shall be responsible for the following improvements:
  - A. Construction of an additional lane pavement along the eastbound lanes of Route 360 for the entire property frontage.
  - B. Construction of additional pavement along the eastbound lanes of Route 360 at each approved access to provide a right turn lane, if warranted, based on Transportation Department standards.
  - C. Construction of addition pavement along the westbound lanes of Route 360 at the crossover that aligns Cosby Road to provide an adequate left turn lane. The exact length of this improvement shall be approved by the Transportation Department.

- D. Dedication to and for the benefit of Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 6, the developer may request, in costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
7. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 6 shall be submitted to and approved by the Transportation Department. (T)
8. Except where the requirements of the underlying Agricultural District are more restrictive, any new development for school and child care uses shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth Areas. (P)
9. With the exception of playground areas which accommodate swings, jungle gyms, or similar such facilities, all active playfields, courts or similar active recreational facilities which would accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from any adjacent properties zoned for residential purposes or zoned agricultural and shown on the plan as single family residential uses. Within this setback, landscaping shall be provided in accordance with Section 19-522(a)(4) of the Development Standards Manual. Any playground areas shall be located a minimum of forty (40) feet from all properties zoned for residential purposes or zoned agricultural and shown on the plan as single family residential uses. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **06SN0123**

In Bermuda Magisterial District, TARGET CORPORATION requests Conditional Use Planned Development and amendment of zoning district map to permit an exception to the number of required parking spaces. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for commercial use. This request lies in a Community Business (C-3) District on 9.1 acres and is known as 2530 Weir Road. Tax IDs 799-653-3811 and 6712 (Sheet 26).

Mr. Turner presented a summary of Case 06SN0123 and stated the Planning Commission and staff recommended approval and acceptance of the proffered condition.

Ms. Ashley Harwell, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved Case 06SN0123 and accepted the following proffered condition:

The Textual Statement, dated July 26, 2005, shall be considered the Master Plan. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **06TW0171**

In Bermuda Magisterial District, BENJAMIN BENTON, HIDDEN VALLEY CORPORATION requests an exception to Section 19-232 of the Chesapeake Bay Preservation Act Requirements of the Zoning Ordinance to permit the encroachment of the construction of a single-family dwelling into the Resource Protection Area (RPA). As a condition of approval, the applicant is proposing an "RPA Enhancement Plan" by constructing an enhanced vegetated buffer for water quality improvement. Exceptions to the Resource Protection Area Regulations are permitted pursuant to Section 19-235 (b)(2) of the Ordinance. The property is located east of Chipstead Court at 4001 Chipstead Court. Tax ID 793-649-3471 (Sheet 34). Questions concerning the case should be directed to the Office of Water Quality, Scott Flanigan at (804) 748-1035.

Mr. Turner presented a summary of Case 06TW0171 and stated staff recommends approval.

Mr. Jeff Collins, representing the applicant, stated the recommendation is acceptable.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. King stated he received a letter from James and Helen Fagan in opposition to this request because of potential flooding issues. He further stated the Environmental Engineering Office will ensure that flooding issues do not occur as a result of construction on the subject property. He stated he has always supported property rights, and he will support the request and offer relief to the property owner from the requirements of the Chesapeake Bay Preservation Act.

Mr. King then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 06TW0171.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**05SN0249**

In Midlothian Magisterial District, ASC LAND CORPORATION requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) with Conditional Use to permit recreational facilities. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 dwelling per acre or less. This request lies on 30.0 acres fronting approximately 350 feet on the north line of Robious Road approximately 330 feet west of Kings Farm Drive. Tax ID 726-727-8858 (Sheet 1).

Ms. Beverly Rogers presented a summary of Case 05SN0249 and stated the Planning Commission and staff recommended approval subject to conditions and acceptance of the proffered conditions. She noted the request conforms with the Old Gun/Robious Area Land Use Plan. She stated, at the time the Planning Commission considered the request, the proffered conditions addressed the impact of the proposed development on capital facilities in accordance with the Board's policy at that time. She further stated, since the Commission's consideration of the request, the Board has adopted a new cash proffer policy which subjects proposals to one increase during the time the application is pending, indicating that the current proposal does not address the new policy.

Mr. Brian Bowe, representing the applicant, stated the Planning Commission's recommendation was acceptable.

Mr. Barber called for public comment.

Mr. Mike Grotewiel, representing the Lenox Forest community, stated he supports the development as proffered.

There being no one else to speak to the request, the public hearing was closed.

Mr. Barber stated the applicant has worked very hard to gain the support of the neighbors, and he is fully satisfied with the \$11,500 per dwelling unit cash proffer.

Mr. Barber then made a motion, seconded by Mr. Miller, for the Board to approve Case 05SN0249 subject to the following conditions:

1. Recreational uses shall be limited to a private boat landing. (P)
2. Any area devoted to the storage of boats, other than those areas located on individual lots, shall be minimized from view of public roads and shall be located so as to minimize their impact on adjacent residential lots. At the time of tentative subdivision plan review, if areas are proposed for boat storage, conditions may be imposed to address this requirement which could include, but not be limited to, buffers, screening and location. (P)

(Note: Boat storage on individual lots must conform to the requirements of the Zoning Ordinance.)



3. The private boat landing shall only be permitted in conjunction with subdivision development on the property. (P)
4. The location of the private boat landing shall be identified on the record plat. (P)

And, further, the Board accepted the following proffered conditions:

1. A maximum of twenty-two (22) lots shall be developed on the property. (P)
2. Public Water and Wastewater Systems, shall be used. (U)
3. The private boat landing and river front common area shall exclusively serve the residents of the subject property and their guests, if accompanied by a resident. (P)
4. At a minimum, the following restrictive covenants will be recorded prior to or in conjunction with the recordation of the subdivision plat:

A. Dwellings:

1. All residential dwellings will have a minimum gross floor area of 2,500 square feet.
2. Exposed foundations shall be covered with brick or stone veneer.
3. Plans and specifications for all dwellings must be approved in writing by the Architectural Review Committee.

B. Garages and Accessory Buildings:

1. Attached garages must be side or rear loaded.
2. Detached garages will be allowed, however the plans and specifications must be approved in writing by the Architectural Review Committee.
3. Garages and accessory buildings shall be architecturally compatible with respect to materials, colors, etc., with the residential dwelling on the lot.

C. Driveways/Sidewalks:

1. Gravel driveways will not be allowed.
2. Driveways and sidewalks must be "hardscaped."
3. A driveway/sidewalk plan must be approved in writing by the Architectural Review Committee.

D. Landscaping:

1. A landscaping plan must be submitted and approved in writing by the Architectural Review Committee.

E. Architectural Review Committee:

1. An Architectural Review Committee will be established to review and approve all construction plans. The said Architectural Review Committee reserves a right to make exceptions to these or any subsequent provisions to these restrictive covenants. (P)
5. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
6. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way on the north side of Robious Road, measured from the centerline of that part of Robious Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. Direct access from the property to Robious Road shall be limited to one (1) public road. The exact location of this access shall be approved by the Transportation Department. (T)
8. In conjunction with development of the initial subdivision section, additional pavement shall be constructed along Robious Road at the approved access to provided a right turn lane and the ditch shall be relocated to provide an adequate shoulder on the north side of Robious Road for the entire property frontage. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way or easements required for these improvements. (T)
9. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
  - a. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
  - b. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
10. At the request of Parks and Recreation the developer will provide a pedestrian trail connection in the vicinity of the boat landing to Robious Landing Park.

The pedestrian trails on the subject property will be owned and maintained by the community homeowner's association. (P & R)

11. All lots shall have a minimum area of 22,000 square feet. (P)
12. The fifty (50) foot buffer required in accordance with the Subdivision Ordinance along Robious Road shall be located within recorded open space. Brick or stone columns, a minimum of six (6) feet in height, shall be provided to each side of the project entrance within the limits of the fifty (50) foot buffer. The exact location and treatment of these columns shall be reviewed and approved by the Planning Department through the subdivision review process. (P)
13. A sidewalk shall be provided along one (1) side of all public streets within the development. (P)
14. A fifty (50) foot tree preservation strip shall be provided along the eastern property boundary adjacent to lots within the Lenox Forest at Riverdowns Subdivision. A minimum building setback of ten (10) feet shall be required for all principal and accessory structures from this tree preservation strip. Utility easements shall be permitted to cross the strip in a perpendicular fashion. Any healthy trees that are one (1) inch in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. A landscape plan shall be submitted for this tree preservation strip which identifies all trees that are one (1) inch in caliper or greater for preservation. Any open areas of 100 square feet or greater shall be supplemented with plant materials so as to minimize year-round views of improvements on the subject property from the aforementioned lots within the Lenox Forest at Riverdowns Subdivision, as determined by the Planning Department. The minimum size standards for supplemental plant material shall comply with Section 19-518(b) of the Ordinance. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

#### **05SN0312**

In Midlothian Magisterial District, SUNRISE DEVELOPMENT, INC. requests Conditional Use and Conditional Use Planned Development and amendment of zoning district map to permit an assisted living facility and exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies in an Agricultural (A) District on 5.0 acres known as 2145 Cranbeck Road. Tax ID 742-714-6040 (Sheet 2).

Mr. Robert Clay presented a summary of Case 05SN0312 and stated the Planning Commission and staff recommended denial

because the proposed zoning and land use do not conform to the Northern Area Plan and are not representative of and compatible with existing and anticipated area development. He further stated the applicant has submitted an amendment to Proffered Condition 3 to address the Fire Department's concerns relative to access.

Mr. Barber made a motion, seconded by Mr. King, for the Board to suspend its rules at this time to allow for the amended Proffered Condition 3.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

Mr. John Easter, representing the applicant, introduced Mr. Mark Mayberry, who was present on behalf of Sunrise Development.

Mr. Mayberry stated Sunrise is the largest senior living provider in the country. He further stated Sunrise operates 27 assisted living facilities in Virginia and provided photos of an existing Sunrise facility in the City of Richmond. He stated a need has been identified in the county for additional quality assisted living, and Sunrise has chosen a site for a 75-unit licensed assisted living facility. He further stated the subject property is a transitional site between single-family residential and more intense uses, which is convenient for customers and allows families to easily visit the residents and to take them to church, shopping and out to eat. He stated Sunrise facilities fit well on this type of transitional site because of the attractive architecture and landscaping; quiet uses with very low impervious coverage and higher open space compared to other uses; very little traffic; and no impact on school enrollment. He stated the facility is an acceptable use to the neighbors, who have indicated that they would oppose more intense uses.

Mr. Easter stated the Northern Area Plan, was adopted in 1986, and there have been many changes in the area since the Plan adoption, including the widening of both Robious and Cranbeck Roads. He further stated the Thoroughfare Plan calls for Cranbeck Road to continue across Robious Road down to Chesterfield Town Center. He inquired whether it is realistic for the subject property to have medium density housing, which is called for in the Plan, given the changes that have occurred since the Plan adoption. He provided details of a wide range of current uses in the area. He stated the proposed assisted living facility will include both commercial and residential characteristics and is so small it will not even require a right-turn lane, indicating that it is a good transitional use between commercial and single-family. He further stated the applicant has worked with the neighbors and offered a number of proffered conditions to address their concerns. He stated the neighbors have expressed concerns relative to more intense commercial uses on the property and have indicated that they would prefer the proposed development rather than waiting for the Plan to be revised and see what would be allowed.

In response to Mr. Miller's question, Mr. Easter stated the Planning Commission unanimously recommended denial.

In response to Mr. Miller's question, Mr. Clay stated the use would run with the land.

Mr. Barber called for public comment.

No one came forward to speak to the request.

Mr. Barber stated age-restricted apartments are located directly across the street from the subject property, and he sees some changes in the future on that strip of Robious Road. He further stated the owner of the site has occasionally used it for the dumping of logs, mulch and brush, and he constantly receives complaints about the debris. He stated he believes the facility is a good match for the site. He further stated the Mr. Dan Gecker indicated that the Planning Commission's vote for denial was a result of the need for an updated Northern Area Plan, which has been moved up on the Planning Commission's work agenda for the study to begin in March 2006. He stated the applicant is not in a position to wait for the Plan to be updated. He further stated he has not heard a compelling argument that this is not an acceptable use for the subject property.

Mr. Barber then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0312 and accept the proffered conditions.

Mrs. Humphrey stated this is an aging area, and she believes the assisted living facility is needed in the community.

Mr. Miller expressed concerns that neither the Planning Commission nor staff support the request, but stated he will support the motion because Mr. Barber knows best what type of use will fit in the area.

Mr. Barber called for a vote on his motion, seconded by Mrs. Humphrey, for the Board to approve Case 05SN0312 and accept the following proffered conditions:

The applicant in this conditional use case, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns (the "Applicant"), proffers that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and Applicant. In the event this request is denied or approved with conditions not agreed to by the Applicant, the proffers shall immediately be null and void and of no further force or effect:

1. Dedication. Prior to approval of the site plan, the Applicant shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County: (a) thirty-five (35) feet of right-of-way on the east side of Cranbeck Road, measured from the centerline of that part of Cranbeck Road immediately adjacent to the Property; and (b) forty-five (45) feet of right-of-way on the north side of Robious Road, measured from the centerline of that part of Robious Road immediately adjacent to the Property. (T)

2. Development Standards. Except for any bulk exceptions specified in the textual statement and for buffers, any assisted living facility shall meet the Zoning Ordinance development standards applicable to the Corporate Office (O-2) District in the Emerging Growth Area. (P)
3. Access. With the exception of access to accommodate only emergency vehicles as approved by Chesterfield County Fire & EMS, there shall be no direct access from the property to Robious Road, and direct access from the property to Cranbeck Road shall be limited to one (1) entrance/exit. The exact location of any entrance/exit shall be approved by the Transportation Department. (T & FA)
4. Maximum Number of Beds. The maximum number of beds permitted at the assisted living facility shall not exceed 99. (P)
5. Maximum Height. All buildings for an assisted living facility shall be limited in height to one (1) story. (P)
6. Building Materials. The exposed portion of each exterior wall surface of any building, excluding windows, doors, breezeways, trim, and other architectural features, shall be composed at least seventy-five (75) percent of fiber-cement siding, masonry, stone veneer, brick veneer, or some combination thereof. (P)
7. Hours for Servicing Waste Storage Areas. Solid waste storage areas for any assisted living facility shall not be serviced between the hours of 8:00 p.m. and 7:00 a.m. (P)
8. Buffers. Adjacent to Tax IDs 7427147978 and 7427149467, a buffer with a minimum width of fifty (50) feet planted in accordance with perimeter landscaping C shall be provided. Adjacent to Tax IDs 7427147407 and 7427149231, a buffer with a minimum width of twenty five (25) feet planted in accordance with perimeter landscaping B shall be provided. Such buffers shall meet the requirements of sections 19-520(a) and 19-521(a)-(g) of the zoning ordinance. (P)
9. Setbacks and Streetscape Along Cranbeck and Robious Roads. All buildings and parking areas shall be set back not less than fifty (50) feet from the ultimate rights of way of Cranbeck Road and Robious Road. This setback shall be landscaped to include street trees and a sidewalk and may include jogging trails, benches, gazebos, and similar improvements. The landscaping and sidewalk within these setback areas shall be compatible with that shown on the approved landscape plans entitled The Belvedere Apartments, prepared by Higgins and Gerstenmaier last revised 7/2/03. The exact spacing, species, and sizes of plant materials shall be approved at the time of site plan review. (P)

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

**16. PUBLIC HEARINGS**

There were no public hearings at this time.

**17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS**

There were no remaining requests for manufactured home permits or zoning at this time.

**18. ADJOURNMENT**

On motion of Mr. Barber, seconded by Mr. King, the Board adjourned at 7:54 p.m. until November 9, 2005 at 4:00 p.m.

Ayes: Barber, King, Humphrey, Miller and Warren.

Nays: None.

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Lane B. Ramsey  
County Administrator

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Edward B. Barber  
Chairman